

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings includes changes to Figures 1 and 3-12. These sheets, which include Figures 1-12, replace the original sheets including Figures 1-12. In Figures 1 and 3-12, the cross hatching for various sectioned components has been corrected.

Attachment: Replacement Sheets

REMARKS

The present Amendment is in response to the Office Action mailed March 18, 2009. Claims 1, 5, 8, 10, and 14 are amended and claims 18-19 are added. Claims 1-19 are now pending in view of the above amendments.

Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Amended Drawings

The Examiner objects to the Figures on the grounds that the Figures contain "double line cross hatching for the various sectioned components (i.e. Elements 22, 32, 33, etc.) [that] is improper," (Office Action, page 2). Applicants submit new Figures 1

and 3-12 which correct the cross hatching. Applicants believe that the Replacement Figures overcome the objection and respectfully request withdrawal of the objection.

Abstract

The Office Action reminded Applicants of the proper language and format for an abstract of the disclosure. Applicants have amended the abstract as shown above.

Claim Objections

The Office Action objected to claim 8 because of “the following informalities: -- formed by two likewise wedge-shaped partial layers with different moduli of elasticity. -- should be inserted after ‘is’ on line 2,” (Office Action, page 3). Applicants have amended claim 8 in light of the Examiner’s recommendation and respectfully request withdrawal of the objection.

PRIOR ART REJECTIONS

Rejection Under 35 U.S.C. §102

The Office Action rejected claims 1-8, 10-13 and 15-17 under 35 U.S.C. § 102(a) as being anticipated by Japanese Patent Publication No. 2003/278314 (*Oizumi*). Because *Oizumi* does not teach or suggest each and every element of the rejected claims, Applicants respectfully traverse this rejection in view of the following remarks.

Based on the mechanical translation provided by the Examiner¹, *Oizumi* appears to disclose that a conventional strand anchorage device uses a metal wedge J4 that is press fit with a metal sleeve J3, (see paragraph 0002). *Oizumi* appears to state that the object of its invention is to provide a new sleeve of a strand anchorage device that is able to respond to the excessive forces applied by a strand and a wedge while costing

¹ Applicants note that the translation provided by the Examiner includes the following disclaimer: “This English translation is provided by machine translation and may contain errors. The JPO, the INPIT, and those who drafted this document in the original language are not responsible for the result of the translation.” Based on Applicants’ review of the machine translation and this disclaimer, Applicants respectfully submit that further reliance upon this reference should require a full non-machine translation of the reference by more a more reliable translator, (*see* M.P.E.P. § 706.02 II).

less to manufacture. *Oizumi* appears to propose the use of a metal sleeve filled with concrete or another lower cost material as a replacement for the more expensive to manufacture standard metal sleeve.

The Office Action asserts that *Oizumi* discloses “a first wedge-shaped layer (4; concrete) adjacent a second wedge-shaped layer (2; metal),” (Office Action, page 4). However, Applicants respectfully submit that the main material 4 does not “lower[] a stiffness of the one or more wedges in the first region near the load,” does not “more evenly distribute contact pressure on a contact area between the at least one pre-tensioned or stressed tensile element and the one or more wedges,” is not “adjacent layer adjacent a second wedge-shaped layer,” and is not “shaped to slide along an inclined surface of the anchor body,” as recited, in part, by claim 1. The failure of *Oizumi* to disclose, teach, or fairly suggest these claim elements will be discussed below.

The Office Action asserts that *Oizumi* discloses that “the first wedge-shaped layer lowers a stiffness of the one or more wedges in the first region near the load,” (Office Action, page 5). However, the Office Action has not cited, nor have Applicants found, any portion of *Oizumi* that discloses, teaches, or fairly suggests this element. Rather, *Oizumi* discloses, as shown above, that the sleeve is intended to replace a conventional metal sleeve, while maintaining sufficient strength to respond to the applied excessive forces. Although the Office Action asserts that the concrete main material 4 has a lower modulus of elasticity than a metal wedge 2 (see Office Action, page 4), stiffness is not merely a function of the modulus of elasticity of the material, but also includes dimensional aspects of an element. Because the purpose of *Oizumi* is to provide a new sleeve that functionally replaces a standard metal sleeve, Applicants respectfully submit that *Oizumi* does not disclose, teach, or fairly suggest that “the first wedge-shaped layer lowers a stiffness of the one or more wedges in the first region near the load,” as recited, in part, by claim 1. Rather, *Oizumi* teaches away from this claim element because to lower the stiffness of sleeve 1 would defeat the intended purpose of *Oizumi*. Therefore, *Oizumi* does not disclose, teach, or fairly suggest this element and Applicant respectfully submits that *Oizumi* teaches away from any

combination that teaches that “the first wedge-shaped layer lowers a stiffness of the one or more wedges in the first region near the load,” as recited, in part, by claim 1.

In addition, the Office Action asserts that *Oizumi* discloses the main material 4 “more evenly distribute[s] contact pressure on a contact area between the at least one pre-tensioned or stressed tensile element and the one or more wedges,” (Office Action, page 5). However, the Office Action has not cited, nor have Applicants found, any portion of *Oizumi* that discloses, teaches, or fairly suggests this claim element.

The Office Action asserts that *Oizumi* discloses “a first wedge-shaped layer (4; concrete) adjacent a second wedge shaped layer (2; metal),” (Office Action, page 4). However, Applicant respectfully submits that the main material 4 is not “adjacent” *Oizumi*’s wedge 2, as recited, in part, by claim 1. Rather, *Oizumi* appears to disclose that “the inner circumference metal cylinder is formed all over the inner circumference of a main material 4” and appears to show that the inner circumference metal cylinder 5 entirely separates the main material 4 from the wedge 2 (paragraph 0015 and Figures 1-3).

Furthermore, the Office Action has not cited, nor have Applicants found, any portion of *Oizumi* that discloses, teaches, or fairly suggests that the main material 4 is “shaped to slide along an inclined surface of the anchor body.” Rather, *Oizumi* merely discloses that “[a]n anchor plate 3 intervenes between a sleeve 1 and the stationary-portion material K” and that “the tapered surface 3a . . . binds that peripheral end face [of metal cylinder 6] to it,” (see paragraphs 0010 and 0023).

Independent claim 15 has at least some generally similar elements and is patentable for at least the same reasons. The dependent claims are patentable for at least the same reasons. Since *Oizumi* does not disclose, teach, or fairly suggest the anchorage being claimed in this application, Applicants respectfully request that the rejection under 35 U.S.C. § 102(a) be withdrawn.

Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 9 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Oizumi* as applied to claims 1-8, 10-13 and 15-17 above, and in

further view of U.S. Patent No. 5,802,788 (*Ozawa*). Applicants traverse the Examiner's rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

As shown above, the Office Action has not cited, nor have Applicants found, any portion of *Oizumi* that discloses, teaches, or fairly suggests that the main material 4 “lowers a stiffness of the one or more wedges in the first region near the load,” “more evenly distribute[s] contact pressure on a contact area between the at least one pre-tensioned or stressed tensile element and the one or more wedges,” and is “shaped to slide along an inclined surface of the anchor body,” as recited, in part, by claim 1. Applicants respectfully submit that the Office Action has not cited, nor have Applicants found, any portion of *Ozawa* that remedies these deficiencies.

In view of *Oizumi* and *Ozawa*'s failure to teach the anchorage of claims 1 and 15, Applicants submit that the Examiner has failed to set forth a *prima facie* case for obviousness and respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated June 18, 2009.

Respectfully submitted,

/Paul N. Taylor, Reg.# 57271/

PAUL N. TAYLOR
Registration No. 57,271
Attorney for Applicant
Customer No. 022913
Telephone No. 801.533.9800